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10 Attorneys for Plaintiff
11 PHILIP MORRIS USA INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 PHILIP MORRIS USA INC.,

15 Plaintiff,

16 v.

17 IKRAM KHAN, *et al.*,

18 Defendants.

Case No.: 3:06-cv-4167 MMC

**STIPULATION TO SET ASIDE
DEFAULT JUDGMENT ENTERED
AND ORDER THEREON**

The Honorable Maxine M. Chesney

1 Plaintiff Philip Morris USA Inc. ("Philip Morris USA") and Defendants Isadora
2 Bernal and Leuli Marlene Ulloa Bernal, each individually and doing business as
3 Watsonville Market #2, a/k/a Juanitos Supermercado ("Defendants") hereby stipulate to set
4 aside the Default Judgment entered in this action as to Defendants, for the following
5 reasons:

6 1. Philip Morris USA and Defendants have stipulated to the entry of a Consent
7 Judgment and Permanent Injunction as to Defendants.

8 2. Pursuant to such stipulation, a Consent Judgment was lodged as to Defendants
9 on February 9, 2007.

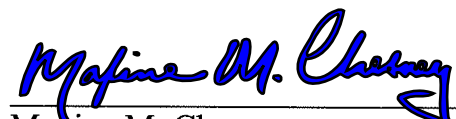
10 3. A Default Judgment was entered as to said Defendant on January 29, 2007.

11 4. The parties agree that the Consent Judgment and not the Default Judgment
12 should apply as to Defendants and hereby request the Court to order that the Default
13 Judgment as to Defendants should be set aside. No action is necessary with regard to the
14 Consent Judgment.

15 **ORDER**

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17 IT IS SO ORDERED.

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19 DATED: February 9, 2007

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21 Maxine M. Chesney
22 United States District Court Judge
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1 IT IS SO STIPULATED.


2 DATED: February 9, 2007

HELLER EHRMAN LLP

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5 By: 

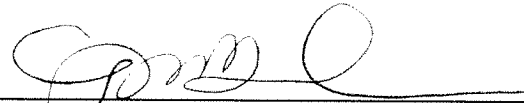
6 Nathaniel R. Spencer-Mork
7 Attorneys for Plaintiff
8 PHILIP MORRIS USA INC.

9 DATED: February 9, 2007

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11 Isadora Bernal, individually and doing business as
12 Watsonville Market #2, a/k/a Juanitos
13 Supermercado

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15 DATED: February 9, 2007

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17 Leuli Marlene Ulloa Bernal, individually and
18 doing business as Watsonville Market #2, a/k/a
19 Juanitos Supermercado
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